

HOUSE BILL 84

By Sontany

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 2; Section 62-37-103(6)(B)(vi) and Section 67-4-1702(a)(3), relative to enacting the "Tennessee Interior Design Consumer Protection Act."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 2, is amended by deleting Part 9 in its entirety and substituting instead the following Sections 2 through 8 of this act as a new Part 9.

SECTION 2.

(a) This act shall be known and may be cited as the "Tennessee Interior Design Consumer Protection Act".

(b) The general assembly finds and declares that:

(1) The purpose of this legislation is to safeguard life, health, and property to promote the public welfare by limiting the practice of interior design to those persons having specific design education, experience and examination as defined in this act.

(2) It is a matter of public interest, safety, and protection that persons practicing interior design merit the confidence of the public and that only properly qualified persons shall be permitted to practice interior design in the state of Tennessee. This act shall be liberally construed to carry out these purposes.

(3) The purpose of this legislation is to provide a means by which consumers may distinguish the practice of interior design from that of interior decoration, decorative services, architecture, and engineering.

SECTION 3. As used in this part, unless the context otherwise requires:

(1) "Diversified and appropriate interior design experience" means the skills and tasks as defined by "interior design" as provided in this chapter;

(2) "Interior designer" means a person who is registered under this part to engage in the practice of interior design and, as such, is a registered design professional;

(3) "Interior design" or "interior design services" means designs, consultations, studies, drawings, and specifications which illustrate non-structural partition layouts, power and communications locations, reflected ceiling plans and lighting designs, materials and finishes, and furniture layouts, coordination with other registered design professionals, and the administration of interior design construction contracts. Interior design includes, but is not limited to, space planning, design and specification of furnishings and fixtures and documentation necessary for the construction of non-structural components within and surrounding interior spaces of buildings.

"Interior design" or "interior design services" specifically excludes the design of or the responsibility for the construction of structural, mechanical, plumbing, heating, air conditioning, ventilating, electrical, or vertical transportation systems, and fire-rated separations between interior spaces, fire-rated vertical shafts, fire-rated protection of structural components, smoke evacuation and compartmentalization, and the preparation of a life safety plan;

(4) "Life safety plan" means a drawing that summarizes pertinent life-safety information for a project and may be required for review by the state fire marshal or state or local government building officials who enforce building codes. The information and form of the life safety plan is determined by the state fire marshal or state or local government building officials who enforce building codes;

(5) “Non-structural” means interior building components which are not load-bearing and do not require design computations for a building’s structural frame including those related to seismic forces. Common non-structural components include, but are not limited to, ceiling and partition systems. These components employ normal and typical bracing conventions and are not part of the structural integrity of the building;

(6) “Partition” means a wall which does not support a vertical load of a building’s structural frame, but may support loads attached to it such as cabinetry, shelving or grab bars, and does not extend further than from the floor of an interior area of a building designed for human habitation or occupancy to the underside of the structural deck above;

(7) “Reflected ceiling plan” means a ceiling design that illustrates a ceiling as if it were projected downward and may include lighting and other components; and

(8) “Registered design professional” is a person registered under the provisions of this chapter.

SECTION 4. A person registered under this act is authorized to practice interior design in this state as provided herein and shall be considered a registered design professional.

#### SECTION 5.

(a)

(1) Each applicant for registration shall apply to the board.

(2) Except as otherwise provided in this part, each applicant shall take and pass the examination administered by the National Council for Interior Design Qualification (NCIDQ) or an equivalent examination as specified by the board.

(3) In addition to the successful completion of examination acceptable to the board, the following shall be considered as minimum evidence satisfactory to the board that an applicant is qualified for registration as an interior designer:

(A) Graduation from an interior design program where the degree curriculum has been accredited as follows:

(i) A baccalaureate degree in programs of no less than one hundred twenty (120) semester credit hours or one hundred eighty (180) quarter credit hours of which sixty (60) semester credit hours or ninety (90) quarter hours, respectively, are in interior design related courses and the applicant has completed a total of three thousand five hundred twenty (3,520) hours of diversified and appropriate interior design experience with no more than one thousand seven hundred sixty (1,760) experience hours earned prior to completion of all interior design related credit hours.

Beginning on a date determined by the board, but not earlier than four (4) years after the effective date of this act, diversified and appropriate design experience shall be completed through the Interior Design Experience Program (IDEP), administered by the National Council for Interior Design Qualification (NCIDQ) or an equivalent program as specified by the board; or

(ii) A certificate, degree or diploma in programs of no less than sixty (60) semester credit hours or ninety (90) quarter credit hours and the applicant has completed a total of five thousand two hundred eighty (5,280) hours of diversified and appropriate interior design experience. Experience hours shall be earned after all

interior design related credit hours have been completed.

Beginning on a date determined by the board, but not earlier than four (4) years after the effective date of this act, diversified and appropriate design experience shall be completed through the Interior Design Experience Program (IDEP), administered by the National Council for Interior Design Qualification (NCIDQ) or an equivalent program as specified by the board.

(B) An applicant who is a graduate of a non-accredited interior design curriculum, as follows:

(i) A baccalaureate degree in programs of no less than one hundred twenty (120) semester credit hours or one hundred eighty (180) quarter credit hours of which sixty (60) semester credit hours or ninety (90) quarter hours, respectively, that are in interior design related courses and the applicant has completed a total of three thousand five hundred twenty (3,520) hours of diversified and appropriate interior design experience. Experience hours shall be earned after all interior design related credit hours have been completed. Beginning on a date determined by the board, but not earlier than four (4) years after the effective date of this act, diversified and appropriate design experience shall be completed through the Interior Design Experience Program (IDEP), administered by the National Council for Interior Design Qualification (NCIDQ) or an equivalent program as specified by the board.

(ii) A certificate, degree or diploma in programs of no less than sixty (60) semester credit hours or ninety (90) quarter credit hours and the applicant has completed a total of seven thousand forty (7,040) hours of diversified and appropriate interior design experience. Experience hours shall be earned after all interior design related credit hours have been completed. Beginning on a date determined by the board, but not earlier than four (4) years after the effective date of this act, diversified and appropriate design experience shall be completed through the Interior Design Experience Program (IDEP), administered by the National Council for Interior Design Qualification (NCIDQ) or an equivalent program as specified by the board; or

(iii) A certificate, degree or diploma in programs of no less than forty (40) semester credit hours or sixty (60) quarter credit hours in interior design related courses. These programs may be accredited, notwithstanding the provisions of subdivision (3)(B) of this section. The applicant shall have completed a total of eight thousand eight hundred (8,800) hours of diversified and appropriate interior design experience. Experience hours shall be earned after all interior design related credit hours have been completed. Beginning on a date determined by the board, but not earlier than four (4) years after the effective date of this act, diversified and appropriate design experience shall be completed through the Interior Design Experience Program (IDEP), administered by the National Council for Interior Design

Qualification (NCIDQ) or an equivalent program as specified by the board.

(4) All interior design programs shall be accredited by the National Council for Interior Design Accreditation, formerly the Foundation for Interior Design Education Research, or a program determined by the board to be substantially equivalent to such a program, or an interior design program shall be offered by an institution located in this state on April 16, 1991, that is accredited by the Southern Association of Colleges and Schools or licensed by the Tennessee higher education commission.

(b) An applicant for registration as an interior designer shall establish to the satisfaction of the board that the applicant:

(1) Is at least twenty-one (21) years of age;

(2) Has not been convicted of an offense that bears directly on the fitness of the applicant to be registered;

(3) Has passed or supplied proof of passage of the examination required by this part; and

(4) Meets any other requirements established by the board.

(c) Notwithstanding the requirements of subsection (b), any person registered under former part 9 of this chapter (Interiors Designers Title Registration Act) shall be considered an interior designer under this act with all the rights and privileges thereof including, but not limited to, Sections 4 and 6 of this act.

#### SECTION 6.

(a) The issuance of a certificate of registration by this board shall be evidence that the person named therein is entitled to all the rights and privileges of an interior

designer and to engage in providing interior design services while the certificate remains unrevoked or unexpired.

(b) Each interior designer shall obtain and keep a seal, of the design authorized by the board, bearing the registrant's name, the registrant's registration number, the words "Registered Interior Designer" and the words "State of Tennessee" or "Tennessee". The registrant shall stamp with the registrant's seal all original sheets of any bound set of plans and the first sheet of any specifications or reports, or portions thereof, prepared by the registrant or under the registrant's responsible charge. No interior designer shall affix the interior designer's seal or stamp to any document which has not been prepared by the interior designer or under the interior designer's responsible charge. Plans, specifications and reports issued by the registrant shall be stamped with the seal during the life of a registrant's certificate, but it is unlawful for anyone to stamp or seal any document with the seal after the certificate of the registrant named thereon has expired or has been revoked.

(c) The board may also adopt such rules and regulations for the affixing to and endorsement of the registrant's seal on interior design documents as may be necessary to implement compliance with this section.

#### SECTION 7.

(a) The following persons shall not be considered to be engaging in the practice of interior design and shall not be considered to be in violation of the provisions of this act, but shall remain subject to the title restriction of § 62-2-102(a), except as provided in subdivision (4):

(1) Architects, engineers, or landscape architects registered under applicable state laws;



(2) Employees of any retail establishment providing consultation regarding interior decoration or furnishings on the premises of the retail establishment or in the furtherance of a retail sale or prospective retail sale;

(3) Persons who provide decorative services or assistance in selection of surface materials, window treatments, wall coverings, paint, floor coverings, surface-mounted fixtures, or loose furniture and furnishings where the use, application, or installation of such materials, treatments, coverings, fixtures, or furnishings is not subject to regulation under applicable building or life-safety codes; or coordinate the installation of such personal property or fixtures as part of a retail sale; or provide computer-aided or other drawings, provided that those drawings are for materials lists;

(4) Any person certified by the National Kitchen and Bath Association (NKBA) as a “certified kitchen designer” or “certified bath designer”, or both, whose activities involve the planning and execution of the design of residential kitchens or baths. Nothing in this chapter shall be construed as prohibiting or restricting the use of the terms “certified kitchen designer” or “certified bathroom designer”; and

(5) Any person or entity purchasing products for his, her, or its own use.

(b) This act does not prohibit an individual certified or otherwise qualified or approved by a non-profit professional society from using a term or title copyrighted or otherwise protected under law by the certifying organization so long as the use does not connote registration as an “interior designer”.

## SECTION 8.

(a) A corporation, partnership, or firm may use the title “interior designer” or “interior design” within the name of the corporation, partnership, or firm provided that at least one (1) of the principals or officers of such corporation, partnership, or firm is in

responsible charge of the provision of interior design services and is registered as a interior designer under the provisions of this chapter.

(b) Any person, firm, company, business, corporation, or other entity which was organized and doing business prior to April 16, 1991, and whose corporate name included prior to April 16, 1991 the appellation “interior design” may continue to use such corporate name and shall not be required to register pursuant to this chapter.

(c) Nothing in this section shall be construed to authorize persons employed by such entities to use the title “interior designer” unless such persons are registered pursuant to this chapter.

SECTION 9. Tennessee Code Annotated, Section 62-2-101, is amended by deleting such section in its entirety and by substituting instead the following:

Section 62-2-101. In order to safeguard, life, health and property, and to promote public welfare, by requiring that only properly qualified persons shall practice architecture, engineering, interior design and landscape architecture in this state, any person practicing architecture, engineering, interior design or landscape architecture shall be registered as provided in this chapter, and it is unlawful for any person to practice or offer to practice architecture, engineering, interior design or landscape architecture unless such person has been duly registered under the provisions of this chapter.

SECTION 10. Tennessee Code Annotated, Section 62-2-102, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) Except as provided in existing subsections (b) and (d), nothing in this section shall be construed as requiring registration for the purpose of practicing architecture, engineering, interior design or landscape architecture by a person; provided, that the person does not use the appellation “architect,” “engineer,” “interior designer” or

“landscape architect,” an appellation which compounds, modifies or qualifies the words “architecture,” “engineering,” “interior design” or “landscape architecture,” or which gives or is designed to give the impression that the person using same is an architect, engineer, interior designer or landscape architect.

SECTION 11. Tennessee Code Annotated, Section 62-2-102, is further amended by adding the following as a new subsection (c) and by redesignating the present subsection (c) accordingly:

(c) It is unlawful for any person other than a registered interior designer to provide interior design service, including the preparation of plans and specifications for any building or structure other than those structures set forth in subsection (b).

SECTION 12. Tennessee Code Annotated, Section 62-2-601, is amended by deleting such section in its entirety and by substituting instead the following:

Section 62-2-601.

(a) A corporation, partnership, or firm offering architectural, engineering, interior design, or landscape architectural service to the public may engage in the practice of architecture, engineering, interior design, or landscape architecture in this state; provided that at least one (1) of the principals or officers of such corporation, partnership, or firm is in responsible charge of such practice and is registered as herein required of architects, engineers, interior designers, and landscape architects, or is otherwise by this chapter authorized to practice. The same exemptions shall apply to corporations, partnerships, and firms as apply to individuals under this chapter.

(b) Corporations, partnerships, or firms offering engineering, architectural, interior design or landscape architectural service to the public shall file with the board, on a form prescribed by the board, a listing of names and addresses of all principals and officers, as well as the principals or officers duly registered to practice architecture, engineering,

interior design, or landscape architecture in this state who are in responsible charge of such practice in this state. Such corporations, partnerships, or firms shall advise the board in writing within sixty (60) days of any change of status.

SECTION 13. Tennessee Code Annotated, Section 62-2-602, is amended by deleting the section in its entirety and substituting instead the following:

Section 62-6-602. Corporations, partnerships, and firms maintaining any place of business in this state for the purpose of providing or offering to provide architectural, engineering, interior design, or landscape architectural design to the public shall have, in responsible charge of such service at any and each place of business, a resident registered architect, a registered engineer, a registered interior designer, or a registered landscape architect.

SECTION 14. Tennessee Code Annotated, Title 62, Chapter 2, is amended by deleting the language and punctuation "practice architecture, engineering, and landscape architecture, or use the title 'registered interior designer'" wherever it may be found and by substituting instead the following "practice architecture, engineering, interior design, and landscape architecture".

SECTION 15. Tennessee Code Annotated, Section 62-2-103, is amended in the first paragraph by deleting the language and punctuation "'engineer,' 'architect,' or 'landscape architect'" and by substituting instead the language and punctuation "'engineer,' 'architect,' 'interior designer,' or 'landscape architect'".

SECTION 16. Tennessee Code Annotated, Section 62-2-103(1), is amended by deleting the language "architectural, engineering, or landscape architectural" and by substituting instead the language "architectural, engineering, interior design or landscape architectural".

SECTION 17. Tennessee Code Annotated, Section 62-2-103(1), is further amended by deleting the language “architecture, engineering, or landscape architecture” and by substituting instead the language “architecture, engineering, interior design or landscape architecture”.

SECTION 18. Tennessee Code Annotated, Section 62-2-103(2), is amended by deleting the language “Architects, engineers, or landscape architects” and by substituting instead the language “Architects, engineers, interior designers or landscape architects”.

SECTION 19. Tennessee Code Annotated, Section 62-2-103(2), is further amended by deleting the language “architecture, engineering, or landscape architecture” and by substituting instead the language “architecture, engineering, interior design or landscape architecture”.

SECTION 20. Tennessee Code Annotated, Section 62-2-103(3), is amended by deleting such subdivision in its entirety and by substituting instead the following:

(3) Architects, engineers, interior designers or landscape architects who are employed by a person, firm or corporation not engaged in the practice of architecture, engineering, interior design or landscape architecture and who render architectural, engineering, interior design or landscape architectural services to their employer only and not to the general public.

SECTION 21. Tennessee Code Annotated, Section 62-2-103(4), is amended by deleting such subdivision in its entirety and by substituting instead the following:

(4) Architects, engineers, interior designers or landscape architects who are employed by a municipal electric system or electric and community service cooperative as defined in § 65-34-102, or telephone cooperatives as defined in title 65, chapter 29, and who render architectural, engineering, interior design or landscape architectural services pertaining to the operations of their employer and who do not offer their services to the general public in exchange for compensation other than that received from their employer. Nothing in this subdivision shall be construed as exempting any

person who makes public use of the title "engineer", "architect", "interior designer" or "landscape architect", or any appellation thereof.

SECTION 22. Tennessee Code Annotated, Section 62-2-104(b), is amended by deleting the language and punctuation "'architect,' 'engineer,' or 'landscape architect'" and by substituting instead the language "'architect', 'engineer', 'interior designer', or 'landscape architect'".

SECTION 23. Tennessee Code Annotated, Section 62-2-105(b)(1), is amended by deleting the language and punctuation "practice engineering, architecture or landscape architecture, or use the title 'registered interior designer'" and by substituting instead the language and punctuation "practice engineering, architecture, interior design or landscape architecture".

SECTION 24. Tennessee Code Annotated, Section 62-2-105(c), is amended by deleting such subsection in its entirety and by substituting instead the following:

(c) A person is construed to practice (or offer to practice) engineering, architecture, interior design or landscape architecture who, by verbal claim, sign, advertisement, letterhead, card, or in any other way, represents such person to be an architect, engineer, interior designer or landscape architect, with or without qualifying adjective, or through the use of some other title implies that the person is an architect, engineer, interior designer or landscape architect.

SECTION 25. Tennessee Code Annotated, Section 62-2-107(a), is amended by deleting the language and punctuation "architecture, engineering, or landscape architecture" and by substituting instead the language and punctuation "engineering, architecture, interior design or landscape architecture".

SECTION 26. Tennessee Code Annotated, Section 62-2-107(a), is further amended by deleting the language and punctuation "registered architect, registered engineer, or registered

landscape architect” and by substituting instead the language and punctuation “registered architect, registered engineer, registered interior designer or registered landscape architect”.

SECTION 27. Tennessee Code Annotated, Section 62-2-201(a)(2), is amended by adding the following language to the end thereto:

After the term of the registered interior designer member serving on the effective date of this act expires, such member’s replacement shall be an interior designer registered under the provisions of this act. Until such interior designer board member is appointed, the registered interior designer board member shall remain a member of the board and references in this chapter to interior designer board member shall be deemed to refer to the registered interior designer board member. In the event the present registered interior designer board member becomes registered as an interior designer under this act, such member shall continue to serve until the end of such member’s term and exercise all powers thereof.

SECTION 28. Tennessee Code Annotated, Section 62-2-202(a), is amended by deleting in its entirety the last sentence of such subsection and by substituting instead the following:

The ten-year requirement of experience as a registered practitioner shall not apply to the interior designer board member until July 1, 2020.

SECTION 29. Tennessee Code Annotated, Section 62-2-302(a)(4), is amended by adding the following language to the end thereto:

Until the appointment of an interior designer board member, the registered interior designer board member serving on the effective date of this act shall determine such qualifications.

SECTION 30. Tennessee Code Annotated, Section 62-2-302(b)(3), is amended by adding the following language to the end thereto:

Until the appointment of an interior designer board member, the present registered interior designer board member shall examine the applicants.

SECTION 31. Tennessee Code Annotated, Section 62-37-103(6)(B)(vi), is amended by deleting such subdivision in its entirety and by substituting instead the following:

(vi) Any work that is within the scope of practice of interior design or is performed by a person qualified to use the title "interior designer," both as defined in chapter 2 of this title;

SECTION 32. Tennessee Code Annotated, Section 67-4-1702(a)(3), is amended by adding the following as a new subdivision (F):

(F) Interior designers;

SECTION 33. The board shall promulgate rules and regulations to effectuate the provisions of this act. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 34. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 35. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2008, the public welfare requiring it.